IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 25TH JUNE 2007 / 4TH ASHADHA 1929

WP(C).No. 12498 of 2004(K)

AGAINST THE ORDER DATED 23/1/04 IN IA.288/03 IN AS.125/03 of ADDL. DISTRICT COURT, NORTH PARAVUR

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PETITIONER:

REGHUNATH, S/O. SARASWATHY AMMA,
MANJAPRA P.O. (REGHUNATH, S/O. THANKAPPAN NAIR,
AIKKARA VEEDU, MANJAPRA KARA, MANJAPRA VILLAGE).

BY ADV. SRI.P.K.MEETHIYAN KUNJU

RESPONDENTS:

GOPALAKRISHNAN NAIR, S/O.NARAYANA MENON,
JITHA BHAVAN, CHELAMATTOM, PERUMBAVOOR,
ERNAKULAM DIST.

BY ADV. SRI.A.VIJAYAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.12498/04

APPENDIX

PETITIONER'S EXTS:

EXT.P1 – TRUE COPY OF JUDGMENT IN O.S.454/96 DT.8.3.01 OF ADDL. SUB COURT, N.PARUR.

EXT.P2 – TRUE COPY OF DELAY PETITION DT.11.8.03 FILED BEFORE ADDL. DIST. COURT, N.PARUR.

EXT.P3 – TRUE COPY OF ORDER DT.23.1.04 IN I.A.288/03 IN A.S.125/03 OF ADDL. DIST. COURT, N.PARUR.

/TRUE COPY/

PIUS C. KURIAKOSE, J.

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W.P.(C)No.12498 OF 2004

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DATED THIS THE 25TH JUNE, 2007

J U D G M E N T

Mr.Varghese Prem seeks an adjournment on behalf of Mr.P.K.Meethian Kunju, counsel for the petitioner who, it is submitted, has shifted his practice to another court. I, however, am not inclined to grant adjournment.

2. I have gone through Ext.P3 order and also heard the submissions of the learned counsel for the respondent.

3. It cannot be said that Ext.P3 order is so wholly unreasonable as to warrant correction by this Court in the jurisdiction under Article 227 of the Constitution which is visitorial in nature and is expected to be invoked only in exceptional circumstances. Ext.P3 is an order by which the learned District Judge has refused to condone the inordinate delay which had been caused in the matter of filing the appeal by the petitioner. The learned District Judge has given excellent reasons as to why he declined to condone the delay. It cannot be said that the exercise of discretion by the District Judge in the matter of condonation of delay has been improper. The challenge against Ext.P3 fails and the Writ Petition is dismissed.

tgl **(PIUS C.KURIAKOSE, JUDGE)**